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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/101,083	07/08/1998	SATORU MIYASHITA	101050	9256

25944 7590 08/20/2003

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EXAMINER
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TARAZANO, DONALD LAWRENCE

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 08/20/2003

31

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/101,083

Applicant(s)

MIYASHITA ET AL.

Examiner

D. Lawrence Tarazano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

3. In the amendment dated (January 29, 2002, paper 25) the applicants amended the claims to recite the presence of an additional layer “the underlying layer constituting a different layer relative to the first luminescent layer”.

4. While the applicants have support for additional layers (page 35 of the instant specification), there is no requirement or suggestion that the layers be “different”. This is an unsupported negative limitation.

5. Any negative limitation or exclusionary proviso must have basis in the original disclosure. See *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what the applicants mean by "different layer". It is not clear the layers are physically distinct or if they are made of different materials or both. Since the specification does not use the word "different", it is not clear how this would should be interpreted.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-15, 17-24 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shirasaki et al. (5,895,692).

Shirasaki et al. teach electroluminescent devices (column 4, lines 35+). As shown in figure 1 below: The structure comprises a transparent substrate (11), transparent pixel electrodes (12), a luminescent layer (13) comprising a poly-N-vinylcabazole (PVCZ) matrix having color pixels (13a, b, c), which had been printed by ink jet or other means and then diffused, into the polymer matrix. The devices also have an electron injection layer (14) deposited over the luminescent layer and a second set of electrodes (15).

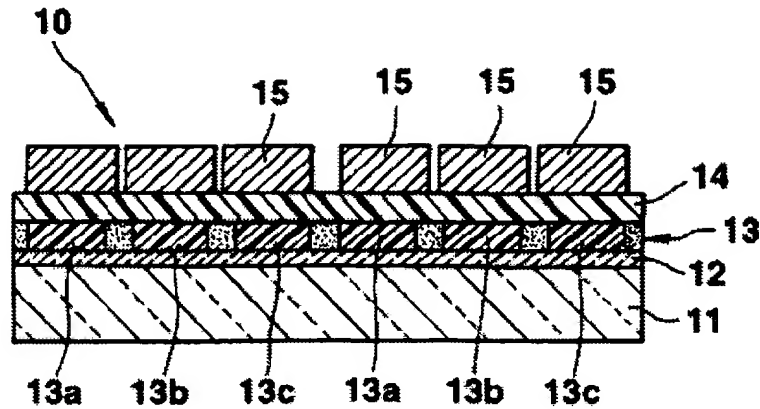
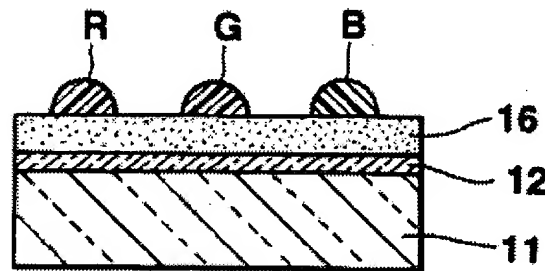
**FIG.1**

Figure 7B show the R (Red), G (Green) and B (Blue) pixels being formed on the surface of the luminescent hole transport layer (16), by a lithographic (coating) or ink jet method (column 7, lines 14+). These pixels represent discontinuous non-overlapping layers and meet the requirement that there are three colored layers

**FIG.7B**

These pixels have predetermined shape when printed, and this relates to the dot shape of the pixels in the final product. While a diffusion step occurs in the formation of the structures, this does not detract from the fact that the shape of the printed pixel is the shape of the pixel in

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the final product. Regarding claim 40, because the colored pixels do not overlap, they do not build on themselves. Each layer of colored pixels covers different areas of the substrate layer. Thus, the layers applied in any order would result in the same product.

Regarding the order of layers (14), dye layer and (13), hole transfer layer It would have been obvious to one having ordinary skill in the art to have changed the order of these two layers between the electrodes (15) and (12) because the device would still function in the same capacity. The device would generate light and electrons would move between the electrodes. There is no reason to believe that the device would function materially differently from what it does now in the prior art.

Regarding claim 20, since dyes work by electron excitement, an electron in the dye would be excited and then transfer to the matrix which functions as a hole material.

Regarding claims 10 and 22, as discussed above, Shirasaki et al. teach electroluminescent devices, but they are silent regarding the use of a protective layer on top of the electrodes (15). In the art of electronics, electrodes are generally fragile and prone to deterioration; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a protective layer on top of the electrodes in the structures taught by Shirasaki et al. in order to produce a more robust structure.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shirasaki et al. (5,895,692) in view of Nakano et al. (5,317,169).

As discussed above Shirasaki et al. teach electroluminescent devices having a luminescent layer sandwiched between two electrode layers. The light-emitting layer (13) is made of polymers such as polyvinyl carbazole, which emit light upon electronic excitation.

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While various polymers can be used they are silent regarding the use of materials such as polyparaphenylene vinylene.

Nakano et al. teach that materials such as polyvinyl carbazole result in structures having low luminescence (column 1, lines 54+). However, polyparaphenylene vinylene materials - (Ar-CH=CH)<sub>n</sub>- according to Nakano et al. have excellent light emitting properties in which the films are easily formed (column 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used paraphenylene vinylene materials as taught by Nakano et al. in the luminescent layer (13) of the structures taught by Shirasaki et al. in order to produce structure having improved luminescent properties.

In the absence of unexpected results resulting from the formations of the layers by an ink-jet method, the examiner takes the position that the method of formation is not a patentable distinction.

The rejections of claims 1-12 and 25-35, and 41-49 over the prior art have been withdrawn or not applied. The examiner notes that Shirasaki et al. only applies the fluorescent pigments / dyes via ink-jet printing. They do not apply "a luminescent material composition serving as a luminescent function and carrier transfer function".

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

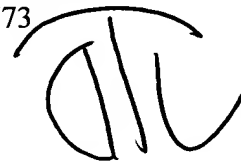
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the PTO-892 relate to ink-jet printing of conductive polymers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Lawrence Tarazano whose telephone number is (703)-308-2379. The examiner can normally be reached on 8:30 to 6:00 (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on (703)-309-2367. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9310 for regular communications and (703)-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0661.

D. Lawrence Tarazano  
Primary Examiner  
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A handwritten signature in black ink, consisting of a stylized 'D' followed by a series of loops and a final upward stroke.

dlt  
August 11, 2003